

**Notice of Allowability****Application No.**

10/588,719

**Examiner**

HUI CHIN

**Applicant(s)**

MOCK-KNOBLAUCH ET AL.

**Art Unit**

1796

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/13/2010.
2. ☒ The allowed claim(s) is/are 17-29 and 34.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20100714.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

/Ling-Siu Choi/  
Primary Examiner, Art Unit 1796

/Hui Chin/  
Examiner, Art Unit 1796

**DETAILED ACTION**

1. This Office Action is in response to the Amendment filed 7/13/2010. Claims 17-29 and 34 are now pending.

***Examiner's Amendment***

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeffrey McIntyre on 7/14/2010.

3. The application has been amended as follows:

Claim 20, line 3, change "20 000" to -- 20,000 --;

Claim 25, line 17, change "SO<sub>3</sub> source, preferably acetyl sulfate, to obtain" to -- SO<sub>3</sub> source to obtain --.

***Allowable Subject Matter***

4. Claims 17-29 and 34 are allowed.
5. The following is an examiner's statement of reasons for allowance:

The present claims are allowable over the closest references: Huffer et al. (US 2005/0090611).

Huffer et al. disclose a cosmetic preparation comprising an oil-in-water emulsion which contains a) one or more of amphiphilic compounds which are composed of a hydrophobic compound which is formed from a polyisobutylenes which have a high content of terminal double bonds ( $\geq 70$  mol %), and a hydrophilic compound, b) oil, and c) water (claims 24, 44; [0011] - [0029]; [0101]; [0136]). Huffer et al. further disclose the emulsion can contain one or more emulsifiers, which reads on "comprising a surfactant and a cosurfactant" wherein the amount of surfactant is from 1 to 2.5% by weight and the total amount of emulsifier does not exceed the amount of from 0.2 to 10% by weight based on the total composition (claim 44, [0135]).

However, Huffer et al. do not teach or fairly suggest the claimed method of stabilizing an emulsion comprising adding, during preparation of the emulsion, a surfactant and a cosurfactant, the cosurfactant being an amphiphilic polymer having one or more hydrophobic subunits (A) and one or more hydrophilic subunits (B), wherein one or more of said hydrophobic subunits (A) have been formed on the basis of a polyisobutene block whose polyisobutene macromolecules have terminal double bonds to an extent of at least 50 mol%, wherein the amount of cosurfactant added is from 0.01 to 25% by weight of the amount of surfactant added.

In light of the above discussion, it is evident as to why the present claims are patentable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUI CHIN whose telephone number is (571)270-7350. The examiner can normally be reached on Monday to Friday; 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Ling-Siu Choi/  
Primary Examiner, Art Unit 1796

/HC/